

CALIFORNIA COASTAL COMMISSION

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Fri-10

August 8, 2003

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR AUGUST 2003

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: This information can be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

LEGISLATIVE CALENDAR

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| April 10 | Spring Recess begins upon adjournment |
| April 21 | Legislature reconvenes from Spring Recess |
| May 2 | Last day for policy committees to hear and report fiscal bills |
| May 9 | Last day for policy committees to report non-fiscal bills to Floor |
| May 30 | Last day for fiscal committees to hear and report fiscal bills to the Floor |
| June 6 | Last day for bills to pass House of Origin |
| June 15 | Budget Bill must be passed by midnight |
| July 11 | Last day for policy committees to meet and report all bills from first house |
| July 18 | Summer recess begins upon adjournment |
| August 18 | Legislature reconvenes |
| August 29 | Last day for fiscal committees to report fiscal bills from first house to the Floor |
| Sept. 1-12 | Floor session only. No committees may meet |
| Sept 12 | Interim recess begins upon adjournment |

PRIORITY LEGISLATION

AB 16 (Jackson) Oil and Gas Development

A reintroduction of AB 556 and AB 2327 from previous sessions, this bill would require that all new or expanded oil and gas production produced offshore must be transported onshore by pipeline, rather than by tanker or barge. Once onshore, the oil must be shipped via pipeline to an onshore processing facility. It also requires the use of best achievable technology for well abandonment.

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| Introduced | 012/02/02 |
| Status | Passed Assembly Natural Resources, Passed Assembly Appropriations, Passed Assembly Floor, Passed Senate NR&W, Referred to Senate Appropriations. |

AB 90 (Wyland) Coastal Commission: Membership

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

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| Introduced | 01/08/03 |
| Status | Failed to meet Legislative deadline, 2-year bill. |

AB 105 (Wiggins) Agriculture Land Preservation

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board.

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| Introduced | 01/10/03 |
| Status | Passed Assembly Natural Resources, Passed Assembly Ag & Water, Passed Assembly Appropriations, Passed Assembly Floor, Passed Senate Ag & Water, Held on Senate Appropriations Suspense File |
| Last Amended | 07/02/03 |

AB 121 (Simitian) Large Passenger Vessels: Water Quality

Federal law prohibits any state from prohibiting the discharge of sewage or graywater from large passenger vessels, unless the state applies to, and receives approval from, the United States Environmental Protection Agency. The bill would direct the SWRCB to apply for such authority with the EPA, and authorize the state to prohibit the discharge of both sewage and gray water by large passenger vessels operating in the marine waters of the state or all of the waters within the Cordell Banks, Channel Islands, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries, if the request is approved by the EPA administrator. The bill would require an owner or operator of a large passenger vessel, as defined, to submit quarterly reports to the SWRCB itemizing the offloading or release of waste material from that vessel that occurred during the previous calendar quarter while the vessel was located in the marine waters of the state.

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| Introduced | 02/12/02 |
| Status | Passed Assembly ES&TM, Passed Assembly Floor, Passed Senate EQ, Held on Senate Appropriations Suspense File |
| Last Amended | 07/016/03 |

AB 204 (Nation) Motor Vehicles

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$4, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

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| Introduced | 01/28/03 |
| Status | Failed to meet Legislative deadline, 2-year bill |
| Last Amended | 03/20/03 |

AB 260 (Jackson) Litter

This bill declares that Caltrans is devoting insufficient attention to litter cleanup on state highways in environmentally sensitive areas, and would require the department to assign a high priority, *using existing funds*, to litter cleanup along state highway segments adjoining streams, rivers, beaches, the ocean, and other environmentally sensitive areas.

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| Introduced | 02/04/03 |
| Status | Passed Assembly Transportation Committee, Passed Assembly Natural Resources Committee, Passed Assembly Appropriations Committee, Passed Assembly Floor, Passed Senate Transportation |
| Last Amended | 07/09/03 |
| Commission Position | Support |

AB 314 (Kehoe) Desalination Facilities

This bill declare that it shall be the established policy of this state that the development of desalination projects by or for public entities should be eligible for assistance and funding on an equal basis with projects for water supply reliability and efficiency, and should comply with all applicable environmental laws.

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| Introduced | 02/07/03 |
| Status | Enrolled |
| Last Amended | 06/23/03 |

AB 586 (Koretz) Litter and Marine Debris

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

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| Introduced | 02/18/03 |
| Status | Failed to meet Legislative deadline. 2-year bill. |
| Last Amended | 04/22/03 |

AB 907 (Pavley) Environmental Education

This bill would require the State Board of Education and the State Superintendent of Education to adopt statewide content standards for environmental education, as defined. The Board would be required to adopt content and performance standards for the new curriculum. This bill has been amended into AB 1548.

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| Introduced | 02/20/03 |
| Status | Passed Assembly Education Committee, Held in Assembly Appropriations Committee. |
| Last Amended | 04/21/03 |
| Commission Position | Support |

AB 947 (Jackson) Ocean Resources

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

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| Introduced | 02/20/03 |
| Status | Passed Assembly Natural Resources Committee, Held in Assembly Appropriations Committee. 2-year bill. |
| Last Amended | 04/22/03 |

AB 974 (Nation) Coastal Zone: Native American Sites

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

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| Introduced | 02/20/03 |
| Status | Passed Assembly Natural Resources Committee, Passed Assembly Appropriations Committee, Passed Assembly Floor, Passed Senate Natural Resources, Referred to Senate Appropriations |
| Last Amended | 06/02/03 |
| Commission Position | Support |

AB 1212 (Pavley) Coastal Development: Permits

This bill would require that any coastal development permit issued for the purpose of sand replenishment must include a condition for onsite monitoring, and prohibit any the permit from being issued until the applicant provides a plan for onsite monitoring and supervision. *Amendments taken on 7/15 specify that no reimbursement to local agencies is required.*

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| Introduced | 02/21/03 |
| Status | On Assembly Floor for Concurrence |
| Last Amended | 07/15/03 |

AB 1517 (Plescia) Stormwater

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

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| Introduced | 02/21/03 |
| Status | Failed to meet Legislative deadline. 2-year bill. |
| Last Amended | 04/07/03 |

SB 18 (Burton) Sacred Sites

This bill would make changes to the Native American Heritage Commission, authorize the NAHC to create a statewide list of Traditional Tribal Cultural Sites, and require consultation with Native American tribes and certain findings to made under CEQA when a project may have an impact on a TTCS.

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| Introduced | 12/02/02 |
| Status | Passed Senate NR&W, Passed Senate Appropriations Committee, Passed Senate Floor, Referred to Assembly NR&W |
| Last Amended | 07/08/03 |

SB 68 (Alpert) Water Quality: San Diego Bay

This bill would establish the San Diego Bay Advisory Committee for Ecological Assessment. The bill would require the committee to prepare a report relating to the water quality and regulation of the San Diego Bay. The bill would require the committee to submit the report to the Legislature, the San Diego Regional Water Quality Control Board, the state board, and the California Coastal Commission. Representatives to the committee may be appointed by the Governor, the San Diego Board of Supervisors, the US Navy, the San Diego City Council, the San Diego Port Tenants Association, the Industrial Environmental Association, the San Diego Unified Port District, the San Diego Convention and Visitors Bureau, Scripps Institute of Oceanography, the City of San Diego Metropolitan Wastewater Department, the State Water Resources Control Board, the San Diego Regional Water Quality Control Board and the California Coastal Commission.

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| Introduced | 01/17/03 |
| Status | Passed Senate E.Q., Passed Senate Appropriations, Passed Senate Floor, Passed ES&TM, Assembly Appropriations Suspense File |
| Last Amended | 07/09/03 |

SB 196 (Kuehl) Regional Boards: Membership

This bill would amend the Porter Cologne Act to require that *appointees to the RWQCBs who represent local agencies must be city councilmen, mayors or county supervisors.*

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| Introduced | 07/08/03 |
| Status | Passed Senate E.Q., Passed Senate Floor, Passed Assembly WP&W, Assembly Appropriations Suspense File |
| Last Amended | 07/08/03 |

SB 216 (Sher) Endangered Species Recovery

Existing law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill crane, and authorizes the Fish and Game Commission, based on recommendations from the department, to identify four additional candidate, threatened, or endangered species for which the department is required to develop and implement a recovery strategy. Under existing law, the pilot program is repealed as of January 1, 2004. This bill would repeal the authority of the Commission to identify additional species for the recovery program, and continue that existing law beyond January 1, 2004, by extending the repeal date to January 1, 2009, and authorize the Commission to develop a recovery strategy for the coho salmon, and repeals the authorization to identify four additional candidate species.

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| Introduced | 06/23/03 |
| Status | Passed Senate NR&W, Passed Senate Appropriations, Passed Senate, Passed Assembly WP&W Committee, Assembly Appropriations Suspense File |
| Last Amended | 06/23/03 |

SB 236 (Alpert) Fishing: Bottom Trawling

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

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| Introduced | 02/14/03 |
| Status | Passed Senate NR&W, Held in Senate Appropriations. 2-year bill. |
| Last Amended | 04/02/03 |

Commission Position Support

SB 318 (Alpert) Desalinated Water

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

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| Introduced | 02/19/03 |
| Status | Passed Senate Ag and Water, Passed Senate Appropriations, Passed Senate Floor, Passed Assembly WP&W, Referred to Assembly Appropriations |
| Last Amended | 04/08/03 |

SB 445 (Kuehl) Coastal Access: State Coastal Conservancy

Existing law requires the State Coastal Conservancy to open at least three public accessways per year. This bill would modify that requirement by stating that this requirement only applies to the extent funds are available. The bill also shifts responsibilities previously assigned to the Director of the Commission to the Executive Directors of both the Commission and the Conservancy. These responsibilities include:

- Proof of non-profit eligibility
- Approval of a management plan
- Determination of whether the accessway is being managed properly for purposes of reclaiming or reassigning the interest in the property

Amendments taken 7/1 would move the Coastal Access Account from the General Fund to the State Coastal Conservancy Fund.

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| Introduced | 02/20/03 |
| Status | Passed Senate NR&W, Passed Senate Appropriations, Passed Senate Floor, Passed Assembly Natural Resources, Passed Assembly Appropriations |
| Last Amended | 07/21/03 |

SB 619 (Duchenev) Housing

As amended, the relevant section of this bill would amend Section 30604 of the Coastal Act to encourage low and moderate income housing, and prevent the Commission and issuing agencies from requiring measures that reduce residential densities of low and moderate income housing project below the density sought by an applicant if that density is within the permitted density established by local zoning, unless a finding is made that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program. The bill also makes legislative findings that efficient land use is in fact protective of coastal resources.

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| Introduced | 02/20/03 |
| Status | Passed Senate H&CD, Passed Senate Natural Resources, Passed Senate Floor, Passed Assembly Judiciary |
| Last Amended | 07/15/03 |

Commission Position: Neutral.

SB 681 (Morrow) Coastal Commission: Permits

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

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| Introduced | 02/21/03 |
| Status | Failed to meet Legislative deadlines. 2-year bill. |

Commission Position: Oppose

SB 744 (Dunn) Housing

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

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| Introduced | 02/21/03 |
| Status | Passed Senate Housing, Passed Senate Appropriations. 2-year bill. |
| Last Amended | 06/03/03 |

SB 909 (Machado) Public Water Systems

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03

Status Gut and amend, referred to Assembly WP&W. Hearing cancelled at request of author. 2-year bill

Last Amended 06/23/03

Commission Position: Recommend Oppose